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C&S Wholesale Grocers, Inc., et al.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;

Plaintiff,

vs.

HAWAIIAN EXPRESS SERVICE,
INC., et al.,

Defendants.

-) CIVIL NO. CV03-00385 SOM-LEK
-) (Copyright)
-)
-) DEFENDANT C&S WHOLESALE
-) GROCERS, INC.'S EX PARTE
-) MOTION FOR WRIT OF
-) EXECUTION; MEMORANDUM IN
-) SUPPORT OF MOTION;
-) DECLARATION OF LEX R. SMITH;
-) EXHIBITS "A" THROUGH "D";
-) [PROPOSED] ORDER GRANTING
-) C&S WHOLESALE GROCERS, INC.'S
-) EX PARTE MOTION FOR WRIT OF
-) EXECUTION; CERTIFICATE OF
-) SERVICE

**DEFENDANT C&S WHOLESALE GROCERS, INC.'S EX PARTE MOTION
FOR ISSUANCE OF WRIT OF EXECUTION AFTER JUDGMENT**

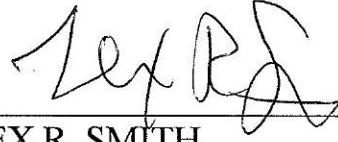
Judgment creditor, C&S Wholesale Grocers Inc., by and through its attorneys Kobayashi, Sugita & Goda, hereby moves this Honorable Court to issue a Writ of Execution directing the Deputy Sheriff of the State of Hawaii to levy on the

property of Wayne Berry including his registered and unregistered copyrights as well as all causes of action that he may have and all rights to recover in any pending lawsuits that he has filed, and after giving notice, hold a public auction at which all such copyrights and causes of action shall be sold to the highest bidder, subject to the lien in favor of the Internal Revenue Service in the amount of the tax lien which has already attached to, and resulted in the transfer of, all such copyrights (a copy of the tax lien is attached hereto as Exhibit "A").

C&S Wholesale Grocers Inc., and the other judgment creditors herein should have the right to credit-bid for Wayne Berry's rights in and to the registered and unregistered copyrights as well as all causes of action and all rights existing in any pending lawsuits, subject to the tax lien and/or liens of the Internal Revenue Service.

This motion is based upon Hawaii Revised Statutes § 651-31 et seq., Rules 7 and 69 of the Federal Rules of Civil Procedure, the attached Memorandum of Law, Declaration of Lex R. Smith and Exhibits attached thereto, and the record and file in this case.

DATED: Honolulu, Hawaii, February 19, 2008.



LEX R. SMITH
Attorney for C&S Wholesale
Grocers, Inc.